



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,438	08/27/2001	Shirley J. Provinse	40655.4900	8195
66170	7590	08/19/2009		
Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3691	PAPER NUMBER
			NOTIFICATION DATE 08/19/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM  
DMIER@SWLAW.COM  
JESLICK@SWLAW.COM



## **DETAILED ACTION**

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 3691

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 5-6, 11-16, 25-39 and 40-41 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-25 of copending Application No. 11/619110. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 5-6, 11-16, 25-39 and 40-41 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6-23 of copending Application No. 11/619280. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-2, 5-6, 11-16, 25-39 and 40-41 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-25 of copending Application No. 11/619290. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 5-6, 11-16, 25-39 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al (USPN 6442526) in view of Dunn et al (USPN 5134564).

Re claims 1-2, 5, 11-15, 25-39: Vance teaches a method (and corresponding system and computer readable medium) of providing account reconciliation for an account comprising the steps of: matching, at a processor, a first charge to a first amount of a travel record in a travel database, wherein a department code (*reference or identifying code or number*) is associated with said travel record in said travel database, and wherein said travel record includes said first amount and first data, wherein said first data relates to non monetary information; and assigning, by said processor, said first charge to said department code by writing said departmental code to

Art Unit: 3691

a field corresponding to said first charge in said financial database; associating, by said processor, a second charge in said financial database with said first data of said travel record in said travel database, and wherein said second charge is associated with a change to said travel record (see figs. 16I and 17 ele. 1700-1750, col. 13, lines 36 through col. 14, lines 65; col. 2, lines 1-3).

Vance does not explicitly teach associating, by said processor, a second charge in said financial database with said first data (non monetary information) of said travel record in said travel database, wherein said travel record in said travel database does not include said second charge in said financial database, and wherein said second charge in said financial database is associated with a change to said travel record in said travel database; and assigning, by said processor, said second charge in said financial database to said department code associated with said travel record in said travel database.

However, Vance teaches ticket tracking process that reports on status of any ticket, lists tickets that have been refunded or voided, list tickets returned for refund which have not been credited, and reports unrefunded tickets (col. 10, lines 27-35).

Dunn teaches selecting or rejecting by either *human intervention* or by *automatic processing* a probable match for unmatched records. For each probable match accepted, the accepted match pair, including a record from a first list and a record from the second list, is then removed from further processing. The probable matching steps are repeated until all acceptable probable matches have been determined. Thereafter, if unmatched records exist in the first list, further processing continues. *For example, if no probable match exists, it may be determined that the lack of a likely match results from the omission of a record in the second list and the*

Art Unit: 3691

*match can be made by insertion of a corresponding record in the second list so that a matched pair in the first and second list results.* For example, such a record insertion often is necessary in a customer listing to correspond with a service charge in the first listing from a bank statement (col. 3, line 52 through col. 4, line 26).

Also, Dunn teaches that a match value is determined as a result of *comparing record element and other attributes of records* from the first and second list (*Examiner interprets record elements and other attributes to include both monetary and non monetary information from the first (financial database) and second lists (travel database)*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vance to include the concept of resolving unmatched records (*including monetary and non monetary elements*) such as when a refund or exchange is made (*second charge associated with a change to merchant transaction*) which result in an omission of a corresponding charge in the merchant database such that the merchant database includes record element and other attributes, by using human intervention or automatic processing as taught by Dunn. One would have been motivated to do so in order to generate a match by assigning probability values to differences between elements being compared (such as department codes, amount, *date*, reference or identifying code or number, etc).

Re claims 6, 16 and 40-41: Vance teaches compiling matches and generating a report from the compilation (fig. 17). Vance does not explicitly teach compiling near matches. Dunn teaches compiling near matches (col. 3, lines 19- 24; col. 3, line 52- col. 32, line 13; col. 20, lines 26-30; Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention

Art Unit: 3691

to modify Vance to include this steps as taught by Dunn in order to speed up the account reconciliation process by determining probably matches using matching criteria.

### ***Response to Arguments***

Applicant's arguments filed 5/26/2009 have been fully considered but they are not persuasive.

Applicant asserts that the Dunn's system fails to teach associating a second charge (which is not reflected in the travel record) with non monetary data that is in the travel record. Examiner respectfully disagrees. Dunn teaches that a match value is determined as a result of *comparing record element and other attributes of records* from the first and second list (*Examiner interprets record elements and other attributes to include both monetary and non monetary information from the first (financial database) and second lists (travel database)*).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



Art Unit: 3691

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A./

Examiner, Art Unit 3691

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691